

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION**

TAMARA GURKLIS,)	
)	
Plaintiff,)	
)	
v.)	No. 11-cv-760
)	
BRACHFELD LAW GROUP, P.C.,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

TAMARA GURKLIS (Plaintiff), through her attorneys, KROHN & MOSS, LTD.,
alleges the following against BRACHFELD LAW GROUP, P.C., (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Wisconsin, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Thorp, Clark County, Wisconsin.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national company with its headquarters in Torrance, Los Angeles County, California.
10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment on an alleged credit card debt originally owed to Citibank.
12. Defendant calls Plaintiff up to six (6) times per day for approximately the last four (4) months.
13. Defendant's employee, Rose Maynard, calls Plaintiff from 866-598-9375, ext. 4506.
14. Defendant's employee, Rose Maynard, threatened to pursue legal action against Plaintiff if no payment was received by September 29, 2011. To date, no legal action has been taken against Plaintiff by Defendant.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representation or means in connection with the debt collection.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit against Plaintiff. To date no lawsuit has been filed against Plaintiff by Defendant.
- e. Defendant violated §1692e(10) of the FDCPA by using false representation of deceptive means to collect a debt.

WHEREFORE, Plaintiff, TAMARA GURKLIS, respectfully requests judgment be entered against Defendant, BRACHFELD LAW GROUP, P.C., for the following:

- 16. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
- 18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: November 9, 2011

By: /s/ Michael S. Agruss

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, TAMARA GURKLIS, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF WISCONSIN

Plaintiff, TAMARA GURKLIS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TAMARA GURKLIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

11-04-11

Date

Tamara G. Gurklis
TAMARA GURKLIS